

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	03 C 4203	DATE	6/25/2003
CASE TITLE	Robert Keefe vs. Saint Xavier University		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

Memorandum Opinion and Order

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. For the foregoing reasons, plaintiff's petition to proceed in forma pauperis is denied and his complaint is dismissed.

- (11) ☒ [For further detail see order attached to the original minute order.]

No notices required, advised in open court.	U.S. DISTRICT COURT CLERK JUN 25 PM 3:27 FILED JUN 10	number of notices	Document Number 6
No notices required.		JUN 26 2003 date docketed	
Notices mailed by judge's staff.		CPY docketing deputy initials	
Notified counsel by telephone.		date mailed notice	
<input checked="" type="checkbox"/> Docketing to mail notices.		mailing deputy initials	
<input checked="" type="checkbox"/> Mail AO 450 form.			
<input type="checkbox"/> Copy to judge/magistrate judge.			
WAH	courtroom deputy's initials		
	Date/time received in central Clerk's Office		

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ROBERT KEEFE,

Plaintiff,

vs.

SAINT XAVIER UNIVERSITY,

Defendant.

No. 03 C 4203

DOCKETED

JUN 26 2003

MEMORANDUM OPINION AND ORDER

Plaintiff Robert T. Keefe brought this action against Saint Xavier University (SXU) alleging that SXU failed to repay money they owed him. Along with his complaint plaintiff filed a petition to proceed *in forma pauperis*. For the following reasons, plaintiff's petition is denied.

As part of a petition to proceed *in forma pauperis* we conduct a preliminary review of petitioner's claims and dismiss the complaint if we determine that the action is frivolous or malicious, it fails to state a claim, or it seeks damages from a defendant immune from such relief. 28 U.S.C. § 1915(e)(2)(B)(i)-(iii); Alston v DeBruyn, 13 F.3d 1036, 1039 (7th Cir. 1994). We review the claim using the same standard as a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). Zimmerman v. Tribble, 226 F.3d 568, 571 (7th Cir. 2000). Pursuant to Rule 12(b)(6), we dismiss a claim only if it appears beyond a doubt that there exist no facts to support the allegations. Conley v. Gibson, 355 U.S. 41, 45-46 (1957).


While the complaint is unclear, plaintiff seems to allege that the school discriminated against him and violated his civil rights when it failed to reimburse him for tuition payments

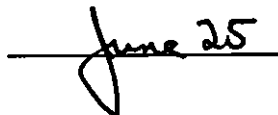
and other expenses. Plaintiff alleges that he withdrew from at least two classes due to problems arising from bipolar disorder, for which he receives medical treatment. The school subsequently agreed to release plaintiff from a large part of his debt. Plaintiff, however, seeks additional repayment of approximately \$2,000 to cover miscellaneous expenses that he accrued.

If plaintiff is able to state any claim, it is simply a state law claim. There are no allegations that defendant or any of its employees did anything that infringed on plaintiff's civil rights, only that it refused to reimburse him for his expenses. Even if plaintiff can show that he is entitled to the money, and that defendant has failed to repay him, he does not state a federal claim.

CONCLUSION

For the foregoing reasons, plaintiff's petition to proceed *in forma pauperis* is denied and his complaint is dismissed.


JAMES B. MORAN
Senior Judge, U. S. District Court

 June 25, 2003.

United States District Court
Northern District of Illinois
Eastern Division

Robert Keefe

JUDGMENT IN A CIVIL CASE

v.

Case Number: 03 C 4203

Saint Xavier University

- ☐ Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- ☒ Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED that plaintiff's petition to proceed in forma pauperis is denied and his complaint is dismissed.

Michael W. Dobbins, Clerk of Court

Date: 6/25/2003



Willie A. Haynes, Deputy Clerk